

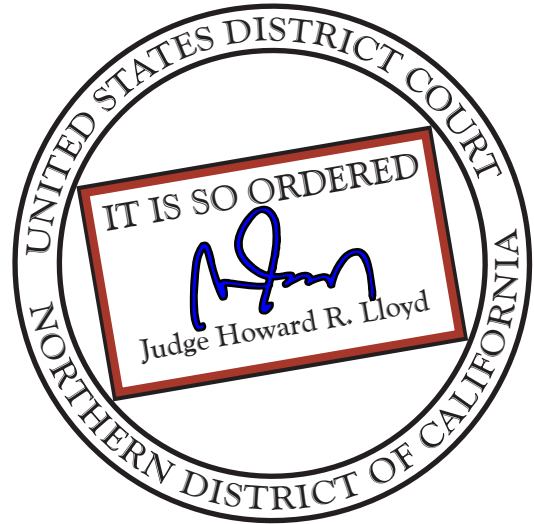
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERT KLEER, Individually and on Behalf)
of All Others Similarly Situated,)
Plaintiff,)
vs.)
CARRIER IQ, et al.,)
Defendants.)



Case No. CV11-06630-HRL
STIPULATION

1 In support of this Stipulation, Robert Kleer (“Plaintiff” or “Kleer”) and Carrier IQ, Inc.
2 (“Defendant” or “Carrier IQ”) or (collectively, the “Parties”), state as follows:

3 WHEREAS the above-referenced Plaintiff filed the above-captioned case;

4 WHEREAS the above-referenced Plaintiff alleges violations of the Federal Wiretap Act and
5 other laws by the Defendant in this case;

6 WHEREAS over 50 other complaints have been filed to-date in federal district courts
7 throughout the United States by plaintiffs purporting to bring class actions on behalf of cellular
8 telephone and other device users on whose devices software made by defendant Carrier IQ is or has
9 been embedded (collectively, including the above-captioned matter, the “CIQ cases”);

10 WHEREAS, a motion is pending before the Judicial Panel on Multidistrict Litigation to
11 transfer the CIQ cases to this jurisdiction for coordinated and consolidated pretrial proceedings
12 pursuant to 28 U.S.C. Sec. 1407, and responses to the motion supporting coordination or
13 consolidation have been filed;

14 WHEREAS, in light of the pending MDL Motion and to facilitate an orderly schedule for
15 responding to the pleadings in the CIQ cases, the Parties have agreed that the deadline for Carrier IQ
16 to answer, move, or otherwise respond to the Complaint shall be extended until 45 days after the
17 Judicial Panel on Multidistrict Litigation issues an order deciding the MDL Motion, or as otherwise
18 ordered by the MDL transferee court if the MDL Motion is granted; *provided*, however, that in the
19 event that Carrier IQ shall respond on an earlier response date in any of the CIQ cases, Carrier IQ
20 shall respond to the Kleer Complaint on that earlier date;

21 WHEREAS this Stipulation does not constitute a waiver by Carrier IQ of any defense,
22 including but not limited to the defenses of lack of personal jurisdiction, subject matter jurisdiction,
23 improper venue, sufficiency of process or service of process;

24 WHEREAS, the Parties agree that that preservation of evidence in the CIQ cases is vital, that
25 defendant has received litigation hold letters, that they are complying with and will continue to
26 comply with all of their evidence preservation obligations under governing law, and that the delay
27 brought about by this Stipulation shall not result in the loss of any evidence;

1 NOW THEREFORE, Kleer and Carrier IQ, by and through their respective counsel of record,
2 hereby stipulate as follows:

3 1. The deadline for Carrier IQ to answer, move, or otherwise respond to the Complaint
4 in the above-captioned case shall be extended until 45 days after the Judicial Panel on Multidistrict
5 Litigation issues an order deciding the MDL Motion, or as otherwise ordered by the MDL transferee
6 court if the MDL Motion is granted; *provided*, that in the event that Carrier IQ shall respond on an
7 earlier response date in any of the MDL Cases, Carrier IQ shall respond to the Kleer Complaint on
8 that earlier date.

9 2. In the event that Carrier IQ provides documents or information to any plaintiff in any
10 of the MDL cases or any of the various actions filed in the many Districts throughout the United
11 States, Carrier IQ will provide those documents or information to Kleer at the same time and in the
12 same format.

13 3. As a further condition of entry into this Stipulation, Defendant agrees that they are
14 complying with and will continue to comply with all evidentiary preservation obligations under
15 governing law.

16 This Stipulation does not constitute a waiver by Carrier IQ or any other named defendant
17 joining the Stipulation of any defense, including but not limited to the defenses of lack of personal
18 jurisdiction, subject matter jurisdiction, improper venue, sufficiency of process, or service of
19 process.

20 IT IS SO STIPULATED.

21 DATED: December 29, 2011

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24
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19 Attorneys for Plaintiff

20 DATED: December 29, 2011

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CERTIFICATE OF SERVICE

I hereby certify that on December 29, 2011, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 29, 2011.

s/ CHRISTOPHER COLLINS
CHRISTOPHER COLLINS

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